

PLANNING*

- Art. I. In General, §§ 17-1—17-20
Art. II. Vesting Tentative Map, §§ 17-21—17-43
Div. 1. Generally, §§ 17-21—17-30
Div. 2. Procedures, §§ 17-31—17-40
Div. 3. Development Rights, §§ 17-41—17-43

ARTICLE I. IN GENERAL†

Sec. 17-1. Commission established.

Under and pursuant to the provisions of the Government Code of the state, a planning commission is hereby created and established in and for the city. (Code 1961, § 2.39)

State law reference—Planning commissions generally, Gov. Code, § 65150.

Sec. 17-2. Composition of commission; appointment.

The planning commission shall consist of seven (7) members, each of whom shall be an elector of the city, and who shall be appointed by the city council. The city manager, the city engineer, the city attorney and city planner, during their respective official tenures, shall be advisory members of the commission without vote. (Code 1961, § 2.40; Ord. No. 486, § 2, 7-10-72)

Sec. 17-3. Terms of planning commissions; vacancies.

Members of the planning commission shall serve a term of three (3) years without compensation. The terms of the present members of the commission (as of September 30, 1985) are extended to the last day of the month of February following the last day of the month of September upon which the terms to which they were appointed expire. The present members of the commission shall continue in office for the terms to which they were appointed and as extended. Thereafter, the city council shall appoint planning commissioners to fill the offices as the terms of the members expire. Appointments shall be for a term of three (3) years commencing on the first day of March and ending

on the last day of February. Vacancies in the commission occurring otherwise than by expiration of a term of office shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission. (Code 1961, § 2.41.1; Ord. No. 487, § 3, 7-10-72; Ord. No. 658, § 1, 7-9-79; Ord. No. 740, § 1, 11-12-85)

Sec. 17-4. Powers and duties of commission.

It shall be the function and duty of the planning commission to do all things necessary and proper within its jurisdiction to carry out the intent and purposes of the state Government Code, and when so required, to perform such other acts and do all manner of things which it may be lawfully required to do or perform. The planning commission shall not incur, allow or permit to accrue any debt or liability, exclusive of the expenditure of gifts, in excess of available funds appropriated for its purposes by the city council. (Code 1961, § 2.41)

Sec. 17-5. Subdivision ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the subdivision ordinance of the city, being Ordinance Number 530, adopted March 8, 1974, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

Cross reference—Streets and sidewalks generally, ch. 22.

State law references—Subdivision Map Act, Bus. & Prof. Code, § 11500 et seq.; ordinance required, Bus. & Prof. Code, § 11525.

†Note—See the editor's note to Art. II of this chapter.

*State law reference—Planning generally, Gov. Code, § 65100 et seq.

Sec. 17-6. Zoning ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the zoning ordinance of the city, being Ordinance Number 360, adopted March 27, 1967, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

State law references—Zoning generally, Gov. Code, § 65800 et seq.; scope of municipal authority, Gov. Code, § 65850.

Secs. 17-7—17-20. Reserved.

ARTICLE II. VESTING TENTATIVE MAP*

DIVISION 1. GENERALLY

Sec. 17-21. Citation and authority.

This article is enacted pursuant to the authority granted by chapter 4.5 (commencing with section 66498.1) of division 2 of title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance. (Ord. No. 741, § 1-1, 12-10-85)

Sec. 17-22. Purpose and intent.

It is the purpose of this article to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this article, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance. (Ord. No. 741, § 1-2, 12-10-85)

Sec. 17-23. Consistency.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of the City Code or ordinance of the City of Belmont. (Ord. No. 741, § 1-3, 12-10-85)

***Editor's note**—Article II, §§ 17-21—17-25, 17-31—17-33, 17-41—17-43, is derived from Ord. No. 741, adopted Dec. 10, 1985. The existing provisions of Ch. 17, §§ 17-1—17-6, have been designated Art. I.

sions of the City Code or ordinance of the City of Belmont. (Ord. No. 741, § 1-3, 12-10-85)

Sec. 17-24. Definitions.

(a) A "vesting tentative map" shall mean a "tentative map" for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with section 17-31 of this article and is thereafter processed in accordance with the provisions hereof.

(b) All other definitions set forth in the Subdivision Ordinance are applicable. (Ord. No. 741, § 1-4, 12-10-85)

Sec. 17-25. Application.

(a) This article shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or a tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision permit for construction, or work preparatory to construction. (Ord. No. 741, § 1-5, 12-10-85)

Secs. 17-26—17-30. Reserved.

DIVISION 2. PROCEDURES

Sec. 17-31. Filing and processing.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map except as hereinafter provided:

- (a) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) At the time a vesting tentative map is filed, a subdivider shall also supply the following information:
 - (1) Height, size and location of buildings.